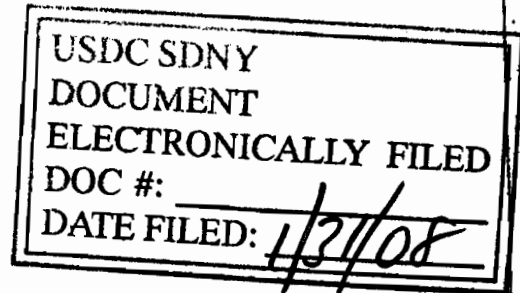


Lyned, J

NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiff
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(212) 220-3830
(FILE NO.: 00000770 JFS/SCC)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
_____X

SCAN AM TRANSPORT A/S,

Plaintiff,

07 Civ. 6062 (GEL)

- against -

**STIPULATION AND ORDER
OF DISCONTINUANCE**

M/V GOLDEN CLOUD, her engines,
boilers, etc. and EVERGREEN MARINE
CORPORATION,

Defendants.
_____X

The above-entitled action having been settled, it is hereby stipulated and agreed by and between the undersigned attorneys for the parties herein, that the action be discontinued and that all counterclaims and/or cross-claims that were, or could have been, asserted are hereby dismissed, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, with prejudice, without costs and without prejudice to the right, upon application made within forty-

five (45) days of the entry of this Order, to reopen the action should the settlement not be fully consummated.

Dated: New York, New York
January 22, 2008

NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiff,

By: *Sam C. Coluzzi*
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CICHANOWICZ, CALLAN, KEANE, VENGROW &
TEXTOR
Attorneys for Defendants,

By: *Paul M. Keane*
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(212) 344-7042

SO ORDERED:

Richard E. L.
U. S. D. J.
1/30/08

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